

SENATE BILL 3747

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9, relative to tuition at public institutions of higher education.

WHEREAS, the denial of in-state tuition to certain persons has negatively affected the state of Tennessee, and

WHEREAS, Tennessee is not taking advantage of the human resources available within the state; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) An individual applying for admission into a public institution of higher education shall be considered a Tennessee resident if the individual is:

(1) A financially independent student who has maintained a domicile in the state of Tennessee for the period of one (1) year immediately prior to the time of commencement of the first day of the semester for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purpose other than educational;

(2) A dependent student, if one (1) or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Tennessee for at least one (1) year immediately prior to commencement of the semester for which the student has registered at any institution;

(3) Any student who has spent both his or her junior and senior years in high school in this state, whose parents or legal guardians have been domiciled in the state

for a period of at least one (1) year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six (6) months of leaving high school, for as long as the student remains continuously enrolled for two (2) semesters in any calendar year;

(4) Any student who has graduated from high school in this state or received the equivalent of a high school diploma in this state and who has attended at least three (3) years of high school in this state; however, a student who is not a citizen of the United States of America shall submit an affidavit to the institution stating he or she has filed or will file an application for permanent residency in the United States at the earliest opportunity he or she is eligible to do so;

(5) A student who is on active military duty stationed in the state or who is a member of the Tennessee national guard;

(6) A student who is the spouse or a dependent of a person who is on active military duty stationed in the state; or

(7) A student who resides in the state of Tennessee and is the spouse or a dependent of a person who is a member of the Tennessee national guard.

(b) Notwithstanding any provision of law to the contrary, a public institution of higher education shall not charge out-of-state tuition to any person who shall be considered to be a Tennessee resident.

(c) Nothing in this section shall be construed to grant residency status or in-state tuition to a person who is resides in the state but is not a United States citizen or a person lawfully residing in the United States.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.